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Attorneys for Plaintiff,
BISCOTTI, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BISCOTTI, INC.,

Plaintiff,

v.

KANDY KISS OF CALIFORNIA, INC.
d/b/a Zoey,

Defendants.

Case No. 3:07-cv-3681 BZ

**DECLARATION OF ROSALYN P. MITCHELL
IN SUPPORT OF REQUEST TO ENTER
DEFAULT RE: KANDY KISS OF CALIFORNIA,
INC. dba ZOEY**


Complaint Filed: July 17, 2007

I, ROSALYN P. MITCHELL, declare as follows:

1. I am an attorney at law duly licensed to practice before all state courts of the State of California and am associated with Nixon Peabody, LLP attorneys for plaintiff Biscotti, Inc.
2. Defendant has not appeared in this action and has not responded to the complaint within the time permitted by law.
3. Plaintiff served the complaint on defendant Kandy Kiss of California, Inc. dba Zoey on July 23, 2007, evidenced by the proof of service of summons on file with this Court.

1 I declare under penalty of perjury under the laws of the State of California that all of the
2 foregoing is true and correct and if called upon to testify to the matters herein, I can competently
3 testify thereto.

4 EXECUTED on September 17, 2007, at San Francisco, California.

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7 ROSALYN P. MITCHELL
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PROOF OF SERVICE

Biscotti, Inc. v. Kandy Kiss of California, Inc.
United States District Court, Northern District
Case No. 3:07-cv-3681 BZ

I, the undersigned, certify that I am employed in the City and County of San Francisco, California; that I am over the age of eighteen years and not a party to the within action; and that my business address is Nixon Peabody LLP, One Embarcadero Center, 18th Floor, San Francisco, CA 94111-3600.

On September 17, 2007, I served the following document(s):

**DECLARATION OF ROSALYN P. MITCHELL IN SUPPORT OF
 REQUEST TO ENTER DEFAULT RE: KANDY KISS OF CALIFORNIA,
 INC. dba ZOIEY**

on the parties stated below, through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below by the following means of service:

- X: By First-Class Mail — I am readily familiar with the firm's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence is deposited with the U.S. Postal Service on the same day as collected, with first-class postage thereon fully prepaid, in San Francisco, CA, for mailing to the office of the addressee following ordinary business practices.
- ___: By Personal Service — I caused each such envelope to be given to a courier messenger to personally deliver to the office of the addressee.
- ___: By Overnight Courier — I caused each such envelope to be given to an overnight mail service at San Francisco, CA, to be hand delivered to the office of the addressee on the next business day.
- ___: By Facsimile — From facsimile number 415-984-8300, I caused each such document to be transmitted by facsimile machine, to the parties and numbers listed below, pursuant to Rule 2008. The facsimile machine I used complied with Rule 2003(3) and no error was reported by the machine. Pursuant to Rule 2008(e)(4), I caused the machine to print a transmission record of the transmission, a copy of which is attached to the original of this declaration.

Addressee(s)

David Bonenfant 16055 Ventura Blvd., Suite 510 Encino, CA 91436	Attorneys for Defendant Kandy Kiss of California, dba Zoey
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I declare under penalty of perjury that the foregoing is true and correct. Executed on September 17, 2007, at San Francisco, California.



 Cara M. Kim